

Message Text

UNCLASSIFIED

PAGE 01 BONN 00302 081626Z

40

ACTION EUR-12

INFO OCT-01 ISO-00 PM-03 L-02 NSC-05 CIAE-00 DODE-00

INR-07 NSAE-00 PA-02 RSC-01 USIA-15 PRS-01 SP-02

SAJ-01 ACDA-10 EB-07 SIL-01 LAB-04 /074 W

----- 093361

R 081614Z JAN 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC 7147

INFO AMCONSUL BREMEN

AMCONSUL DUSSELDORF

AMCONSUL FRANKFURT

AMCONSUL HAMBURG

AMCONSUL MUNICH

AMCONSUL STUTTGART

USMISSION USBERLIN

USMISSION EC BRUSSELS

USMISSION GENEVA

AMEMBASSY BRUSSELS

AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY ROME

AMEMBASSY THE HAGUE

UNCLAS BONN 00302

E.O. 11652: N/A

TAGS: GW, PGOV, ELAB

SUBJECT: COMPROMISE ON CODETERMINATION ENDANGERED

REF: BONN 16404, 17149, 18896

1. SUMMARY. THE GOVERNMENT'S LABORIOUSLY CONSTRUCTED MITBESTIMMUNG BILL, A DIFFICULT COMPROMISE BETWEEN THE COALITION PARTNERS, FACES NEW PERILS. FOLLOWING BUNDESTAG COMMITTEE HEARINGS WHERE OPPONENTS OF THE BILL SUCCESSFULLY RAISED QUESTIONS REGARDING THE BILL'S CONSTITUTIONALITY, FDP LEADERS HAVE BEGUN A NEW CAMPAIGN TO

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 BONN 00302 081626Z

FORCE CHANGES IN THE DRAFT BILL. END SUMMARY.

2. AT THE LAST BUNDESTAG COMMITTEE HEARINGS, DECEMBER 19-20, FDP WITNESSES AND SOME OTHERS ARGUED THAT THE GOVERNMENT'S CODETERMINATION BILL, IF PASSED, WOULD INFRINGE ON PROPERTY RIGHTS AND ON THE FREE COLLECTIVE BARGAINING PROCESS AS GUARANTEED BY THE FEDERAL CONSTITUTION.

3. FOLLOWING THE HEARINGS, FDP SECRETARY GENERAL MARTIN BANGEMANN DEMANDED AT THE BADEN-WUERTTEMBERG FDP CONVENTION THAT THE SECTION OF THE BILL WHICH REQUIRES THAT WORKER REPRESENTATIVES FOR THE BOARD OF SUPERVISORS BE CHOSEN THROUGH INDIRECT ELECTIONS BE CHANGED TO PERMIT THEIR DIRECT ELECTION. FOLLOWING BANGEMANN'S SPEECH, FDP CHAIRMAN GENSCHER ANNOUNCED THAT THE FDP AND THE SPD SHOULD JOINTLY MEET TO EXAMINE ALL ASPECTS OF THE BILL. IN ADDITION TO THE ISSUE OF ELECTORAL PROCEDURES, GENSCHER SAID THAT THE CONSTITUTIONALITY OF THE BILL AND THE ABILITY OF FIRMS TO OPERATE UNDER IT SHOULD ALSO BE REVIEWED. A GOVERNMENT SPOKESMAN HAS ANNOUNCED THAT THE SUGGESTED MEETING WOULD TAKE PLACE AT THE END OF JANUARY OR BEGINNING OF FEBRUARY. TO FURTHER COMPLICATE MATTERS, CDU GENERAL SECRETARY KURT BIEDENKOPF DECLARED THAT THE CURRENT BILL IS UNACCEPTABLE AND A NEW COMPROMISE PERMITTING DIRECT ELECTION OF WORKER REPRESENTATIVES TO THE BOARDS OF SUPERVISORS WOULD BE "COMPLETELY USELESS."

4. DESPITE ALL OF THESE DIFFICULTIES, THE SPD HAS NOT ABANDONED HOPE FOR THE BILL, AT LEAST PUBLICLY. IN HIS NEW YEAR MESSAGE, CHANCELLOR SCHMIDT REAFFIRMED HIS COMMITMENT TO THE PASSAGE OF A MITBESTIMMUNG BILL DURING THIS LEGISLATIVE PERIOD. AND SPD LABOR MINISTER ARENDT RESPONDED TO THE FDP STATEMENTS SAYING THAT "SMALL CHANGES" COULD BE MADE IN THE BILL. HE ALSO SAID THAT A MITBESTIMMUNG BILL WOULD BE PASSED DURING THIS LEGISLATIVE PERIOD.

5. COMMENT. NO ONE IS WILLING TO TAKE THE RESPONSIBILITY FOR KILLING THE BILL, BUT CALLS FOR MAJOR NEW AD-

UNCLASSIFIED

PAGE 03 BONN 00302 081626Z

JUSTMENTS AT THIS LATE STAGE FURTHER ENDANGER ITS CHANCES OF PASSAGE. MAJOR REVISIONS OF THE BILL WOULD OPEN A PANDORA'S BOX OF DISSATISFACTIONS WITH THE BILL BY ALL INTERESTED PARTIES. IF THE BILL IS REDRAFTED TO REQUIRE DIRECT ELECTIONS OF LABOR REPRESENTATIVES TO COMPANY BOARDS OF SUPERVISORS, AS RECOMMENDED BY THE FDP, THE DGB, WHICH HAS PROVIDED THE MAJOR IDEOLOGICAL AND POLITICAL SUPPORT FOR THE EXTENSION OF PARITY CODETERMINATION

FROM THE VERY BEGINNING, WOULD INSIST ON OTHER CHANGES,
INCLUDING THE ELIMINATION FROM THE BILL OF THE PROVI-
SION WHICH REQUIRES SEPARATE REPRESENTATION FOR MANA-
GERIAL EMPLOYEES (LEITENDE ANGESTELLTE), AS A MINIMUM
CONDITION FOR ITS SUPPORT.

CASH

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LABOR LAW, POLICIES, NEGOTIATIONS, CENTRAL LEGISLATURE
Control Number: n/a
Copy: SINGLE
Draft Date: 08 JAN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975BONN00302
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750007-1090
From: BONN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750170/aaaacjue.tel
Line Count: 121
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 75 BONN 16404, 75 17149, 75 18896
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 12 MAR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <12 MAR 2003 by RicharJA>; APPROVED <29 DEC 2003 by ShawDG>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: COMPROMISE ON CODETERMINATION ENDANGERED
TAGS: PGOV, ELAB, GE
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006